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- (b) It is unlawful for any person to operate a vessel, as defined in the California Harbors and Navigation Code, or a windsurfer, sailboard, or similar device within a swimming area which has been marked by means of buoys or to operate same within one hundred (100) feet of such area at a speed in excess of five (5) miles per hour.

*(Retitled to "Warning Signals" and amended 5-31-1994 by O-18073 N.S.)*

#### **§63.20.4 Compliance**

It is unlawful for any person to refuse to follow or comply with any lawful order, signal, or other direction of a lifeguard, or to knowingly provide false information to a lifeguard, or for any person without lawful authority to deface, injure, knock down or remove any sign or warning placed for the purpose of enforcing the provisions of Chapter VI, Article 3.

*(Retitled to "Compliance" and amended 5-31-1994 by O-18073 N.S.)*

#### **§63.20.5 Waste, Refuse, Fires**

- (a) It is unlawful for any person to leave, discard, deposit, or throw away any glass container, tin can, waste food, papers, or any refuse or rubbish upon any beach area in the City of San Diego. All waste materials shall be deposited in trash cans or receptacles provided for that purpose.
- (b) It is unlawful for any person to move, rummage through, turn over, remove, deface, or knock down any trash can or receptacle placed in any beach area by the City.
- (c) It is unlawful for any person to build, maintain, use, or be within ten (10) feet of a fire on any public beach that is not in a City-provided fire container. Fires may be built using fire materials limited to charcoal, clean wood, or paper products, none of which contains landscape debris, paint, stain, sealer, wood preservative, cloth, rubber, metal (including nails and other hardware), asphalt, foam rubber, plastic, or any similar matter or material producing noxious fumes, odors, smoke, or leaving any type of solid residue other than ash. Fire materials shall not exceed a height of more than twelve (12) inches above the upper edge of the fire container and must be wholly contained within the inside edge of the fire container. It is permissible to build a fire on a public beach in a portable barbecue or other similar device using fuel material authorized in Section 63.20.5(c). Coals from any portable barbecue or similar device shall either be removed from the beach area or be deposited in a City-provided fire container or designated hot coal container provided on the

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beach for such purposes.

- (d) It is unlawful to use a City–provided fire container for purposes of disposal or for any purpose other than the building of fires for cooking or warmth or for the deposit of coals.
- (e) It is unlawful for any person to possess or use any container made of glass upon any beach or adjacent sidewalk area in the City of San Diego.
- (f) It is unlawful for any person who has built, maintained, used, or been within ten (10) feet of a fire on the beach to abandon the fire until all ignited fire fuel material has been exhausted or extinguished. Sand, dirt, or similar material shall not be employed as an extinguishing material. Extinguished ashes shall not be covered but may be left in fire containers. All unused fire material must be removed from the beach and the adjacent public areas of the beach or park. All refuse or rubbish adjacent to the fire container must be removed from the beach or placed in trash receptacles provided for such purpose, so that the beach is left in a clean, sanitary, and presentable condition.

*(Amended 7–8–2002 by O–19075 N.S.)*

#### **§63.20.6 Certain Lifeguards Designated Harbor Police**

- (a) Purpose and Intent. It is the purpose and intent of the City Council in enacting Section 63.20.6 that certain City lifeguards who are regularly employed and paid for duties performed in Mission Bay which are commonly performed by Harbor Police, be designated by the City as Boating Safety Unit members. "Boating Safety Unit" means a unit of the lifeguard service, which, in addition to regular lifeguard functions, is responsible for functions similar to those performed by Harbor Police.
- (b) Those lifeguards designated as Boating Safety Unit members, who enforce laws of The State of California and The City of San Diego which pertain to boating, are designated as Harbor Police; are declared to be regularly employed and paid as such; and are authorized and empowered to act as Harbor Police while on duty in the beach area.
- (c) Those lifeguards designated as Harbor Police are peace officers as defined in Section 830.33 of the California Penal Code; however, they are not peace officers for the purposes of California Penal Code, sections 171c, 171d, or 12027 which deal with the possession of firearms.

*(Amended 5–31–1994 by O–18073 N.S.)*